



Judicial Discipline & Disability Commission

JUDGE WILLIAM STOREY
CHAIRMAN

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DAVID A. STEWART
EXECUTIVE DIRECTOR

April 27, 2012

Honorable Brad Karren
Benton County District Court, Rogers Division
1901 South Dixieland Road
Rogers, AR 72758

Re: Letter of Reprimand in cases #11-236 and #11-239

Dear Judge Karren:

You are alleged to have committed violations of the Code of Judicial Conduct in the above referenced cases. These comprise the following facts which you have agreed are true:

- A. On March 24, 2011 Judge Brad Karren sat as a Special Circuit Court Judge and handled the Juvenile Court docket. Judge Karren is the full-time District Court Judge for Benton County, Rogers Division.
- B. On that day, [REDACTED], who was not scheduled to be in court, appeared in open court to ask the Judge to help her with an issue concerning the detention of her juvenile child. After communicating with [REDACTED], Judge Karren ordered the detention facility to give access to the family of the juvenile. This order is also noted to have a handwritten addendum, written by the Judge, which says "immediately!" and is underlined three times.
- C. [REDACTED] is one of the Judge's employees in Rogers District Court.
- D. The Judge agrees that he had *ex parte* communication with [REDACTED] and the juvenile's father (i.e. without a prosecutor present and without notification to the prosecutor's office). Judge Karren agrees that he permitted the parents to discuss issues with him about gaining access to visit their child in the detention center. They told Judge Karren that they were concerned that the juvenile may be at risk of suffering an anxiety attack, and that they desired immediate access to the detention center to visit the juvenile.

- E. Jail employees previously had contact with [REDACTED], the mother of the detained juvenile. She had requested a visit with her child. The standard visitation policy was explained to her. Due to the general policy they would not be able to visit on the first afternoon that the juvenile was detained. [REDACTED] left the detention center and returned shortly with a short, simple order signed by Judge Karren referenced in paragraph "B" (above).
- F. This was unusual and gave the appearance of affording special privileges to one family that is not afforded to others. Judge Karren agrees that his visitation order did not follow the standard juvenile detention policy.
- G. The Juvenile Detention Center Director then went to talk with Judge Karren wherein the judge confirmed that he had, in fact, written "immediately!" on the order. Judge Karren confirms that he apologized to the Director when they emerged from a private conversation in chambers for any inconvenience his order may have caused.
- H. Judge Karren told one of the witnesses that all he was trying to do was "help the mother out." The juvenile refused to meet with his family and the visitation was not conducted that day.
- I. On May 4, 2010, C. Michael Trudo ("Michael") was arrested after confessing to rapes [REDACTED]. Later that evening Judge Karren received a phone call from Michael's father, Christopher R. Trudo ("Chris") informing the Judge that Michael had been arrested. Chris asked the Judge to represent his son Michael, the defendant. Judge Karren had previously represented Chris in a custody matter in 2004 and in a quiet title action in 2007. [REDACTED]
[REDACTED]
- J. The Judge declined to represent the son and described his current situation to Chris as being a full-time Judge who could not take cases.
- K. The normal rotation schedule for bond hearings provided that another judge was already scheduled to handle Michael's bond hearing the next morning, and Judge Karren informed Chris of this fact. Judge Karren agreed to follow up with the jail and "remind them" to have the paperwork ready for the next morning in order to accommodate a timely determination of bond in the matter. The Judge did, in fact, call the jail and was "assured" by the officer on duty that the paperwork would be done in the morning for the bond hearing.
- L. Judge Karren was contacted the next morning by Chris who was "expressing an even greater sense of urgency". Judge Karren was informed, *ex parte* (i.e.

without a prosecutor present) that the jail had not provided the paperwork and a bond had not been set. Judge Karren also heard Chris explain some of the facts and circumstances about Michael's case.

- M. Judge Karren contacted the detective in charge of Michael's case. The Judge went to the jail, later in the day, to determine what was in the file and to see if the case was one of "exclusive juvenile court jurisdiction". After reviewing the file and based on his own investigation, the Judge was satisfied that the case was not exclusively a juvenile case.
- N. Judge Karren had the jailer bring Michael over for a bond hearing even though there was no imminent need to have such a hearing. Judge Karren was not the assigned judge for bond hearings that day and did not handle any other bond hearings.
- O. Judge Karren set a bond of \$7,500 in the case. The prosecutors had recommended a \$100,000 bond based on the severity of the allegations. The Circuit Court Judge subsequently set the bond at \$35,000 with the prosecutor still requesting \$100,000. The defendant was released after securing a bond of \$35,000.
- P. The mother of one of the alleged rape victims was upset that Michael was released on such a low bond. She was especially concerned about the fact that Judge Karren, before taking the bench, had represented Chris [REDACTED]
[REDACTED]
- Q. Judge Karren accepts and agrees that his involvement caused the victims' mother to have an unnecessary distrust of the judicial system. Subsequently a local newspaper quoted the Judge as saying no one "would have given a crap" if he had followed the prosecutor's recommendation on the bond. Michael subsequently pled guilty to rape and received a 13 year prison sentence.

The Judicial Discipline and Disability Commission ("JDDC") determined, and you agree, that the above described behavior violates the following sections of the Code of Judicial Conduct (the "Code"):

RULE 1.1 Compliance with the Law

A judge shall comply with the law, including the Arkansas Code of Judicial Conduct.

RULE 1.2 Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

RULE 1.3 Avoiding Abuse of the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.

RULE 2.4 External Influences on Judicial Conduct

...

(B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

RULE 2.9 Ex Parte Communications

(A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter, except as follows:

...

(C) A judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.

RULE 2.11 Disqualification

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

You have agreed that a reprimand is the appropriate sanction. Your willingness to accept that your actions were in violation of the Code and your commitment to be more aware of the appearance of impropriety in the future, have led the JDDC to refrain from recommending public charges or a public disciplinary hearing in these two cases.

If you violate the terms below or have additional violations of the Code, the JDDC may initiate a new investigation under the Rules of Procedure of the Judicial Discipline & Disability Commission and take into consideration the fact that you have had these two cases in which the allegations have been substantiated and agreed as Code violations.

The Reprimand includes the following agreed conditions:

You shall review your docket for any possible conflicts and follow Rule 2.11 as far as notification and disqualification, if necessary.

You shall refrain from issuing orders in cases in which your employees, or their immediate family, are parties.

You shall not entertain *ex parte* communications.

You shall not interfere in cases not assigned to you or otherwise engage in conduct that interferes with the orderly administration of justice by law enforcement offices.

In view of these circumstances, it is the judgment of the JDDC that you are hereby reprimanded. This public reprimand constitutes adequate discipline, and no further action, other than the remedial measures and conditions described above, is warranted. Further discipline may occur if the JDDC finds you committed additional violations of the Code.

This Commission action is public information.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Stewart". The signature is fluid and cursive, with a large, stylized "S" at the end.

David A. Stewart
Executive Director